

| | | |
|--------------------------------|---|-------------------------|
| PACE INDUSTRY UNION-MANAGEMENT |) | |
| PENSION FUND, et al. |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Case No. 3:07-0338 |
| vs. |) | Judge Echols |
| |) | Magistrate Judge Bryant |
| DIEKNOWLOGIST, INC. |) | |
| |) | |
| |) | |
| Defendant. |) | |
| |) | |

Upon consideration of Plaintiffs' Motion for Final Judgment by Default, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, and of the supporting memorandum, affidavits, and exhibits, and following due notice to Defendant, it is hereby:

ORDERED that the motion is granted and that final judgment be entered in favor of PACE Industry Union Management Pension Fund and its Trustees (collectively, the “Fund”) as follows:

1. Judgment in the minimum amount of \$69,463.66, representing at least \$48,935.38 for delinquent contributions for the months of January 2001 through December 2003 and January 2006 through December 2007; \$3,487.88 in interest for delinquent contributions for the months of January 2001 through December 2003 and January 2006 through December 2007 (calculated from the date contributions were due through the end of January 2008); liquidated damages in the amount of \$9,787.08; and \$7,253.32 for attorneys' fees and costs incurred by Plaintiffs from January 17, 2007 through November 30, 2007; provided, that Plaintiffs shall have the right to seek a

supplemental judgment for any and all amounts that become due during pendency of this case and any additional attorneys' fees or costs incurred in the collection of contributions owed for the periods set out in this Order.

2. Interest on the above judgment amounts at the rate permitted by 28 U.S.C. Section 1961 from the date of judgment to the date paid.

It is also hereby ORDERED that Defendant is hereby ordered to:

1. Submit contributions due and owing at the time of entry of this Order and Final Judgment, with interest, liquidated damages, and attorneys' fees and costs pursuant to the Employee Retirement Income Security Act, 29 U.S.C. Section 1001, et seq; and

2. Pay to the Fund all monies that Defendant is obligated to pay under its collective bargaining agreement, participation employer agreement and the governing documents of the Fund.

Since Plaintiffs have relied on information provided by Defendant or by third parties to determine the delinquency for the months of January 2001 through December 2003 and January 2006 through December 2007, Plaintiffs shall have the right to recover any additional unpaid principal which they may discover is owed for these months, with statutory relief and penalties as provided by ERISA, 29 U.S.C. Section 1132(g)(2).



Judge Robert Echols
United States District Judge